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Date: July 1, 2003

Docket No.: 0020-5147P

## MS PATENT APPLICATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a ☐ continuation ☒ divisional  
☐ continuation-in-part application under 37 C.F.R. § 1.53(b) of  
pending prior Application No. 09/458,024 filed on December 10,  
1999, the entire contents of which are hereby incorporated by  
reference,  
by

Yoshinori SHIMIZU; Kensho SAKANO; Yasunobu NOGUCHI; and  
Toshio MORIGUCHI

for

LIGHT EMITTING DEVICE WITH BLUE LIGHT LED AND PHOSPHOR COMPONENTS

1. ☒ Enclosed is an application consisting of specification,  
claims, declaration and drawings/photographs (if  
applicable).
2. ☒ The filing fee has been calculated as follows:

			LARGE ENTITY	SMALL ENTITY
BASIC FEE			\$750.00	\$375.00
	NUMBER FILED	NUMBER EXTRA	RATE      FEE	RATE      FEE
TOTAL CLAIMS	11-20 =	0	x 18 = \$0.00	x 9 = \$0.00
INDEPENDENT CLAIMS	1-3 =	0	x 84 = \$0.00	x 42 = \$0.00
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED			+ \$280.00	+ \$140.00
		TOTAL	\$750.00	\$0.00

3. ☒ A check in the amount of \$750.00 to cover the filing fee and recording fee (if applicable) is enclosed.
4. ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this request is enclosed.
5. Amend the specification by inserting before the first line thereof the following:
- a. ☐ --This application is a ☐ continuation ☐ divisional ☐ continuation-in-part of co-pending Application No. 09/458,024, filed on December 10, 2003, the entire contents of which are hereby incorporated by reference and for which priority is claimed under 35 U.S.C. § 120; and this application claims priority of Application No. \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ under 35 U.S.C. § 119.--
- b. ☐ --This application is a ☐ continuation ☐ divisional ☐ continuation-in-part of co-pending Application No. 09/458,024, filed on December 10, 2003 and for which priority is claimed under 35 U.S.C. § 120. Application No. 09/458,024 is the national phase of PCT International Application No. PCT/\_\_\_\_\_/\_\_\_\_\_ filed on \_\_\_\_\_ under 35 U.S.C. § 371. The entire contents of each of the above-identified applications are hereby incorporated by reference. This application also claims priority of Application No. \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ under 35 U.S.C. § 119.--

6. ☒ Enclosed is/are nineteen (19) sheet(s) of formal drawings and/or photographs.
- 7a. ☐ A statement claiming small entity status was filed in prior Application No. 09/458,024 on \_\_\_\_\_. See the attached copy of the statement claiming small entity status.
- 7b. ☐ The current application qualifies for small entity status.
8. ☒ The prior application is assigned to Nichia Kagaku Kogyo Kabushiki Kaisha.
9. ☐ A Preliminary Amendment is enclosed.
- 10a. ☒ Priority of Application No(s). 8-198585, 8-244339, 8-245381, 8-359004, and 9-081010 filed in Japan on July 29, 1996, September 17, 1996, September 18, 1996, December 27, 1996, and March 31, 1997, respectively is/are claimed under 35 U.S.C. § 119. See attached copy of the Letter claiming priority filed in the prior application on July 29, 1997.
- 10b. ☐ Priority of International Appln. \_\_\_\_\_ filed on \_\_\_\_\_ under the Patent Cooperation Treaty and Application No. \_\_\_\_\_ filed in \_\_\_\_\_ on \_\_\_\_\_ under 35 U.S.C. § 120 and/or § 119 are hereby reclaimed.
11. ☒ An Information Disclosure Statement and PTO-1449 form(s) are attached hereto for the Examiner's consideration.
12. ☒ Address all future communications to:  
  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000  
  
or  
Customer No. 002292
13. ☐ An extension of time for \_\_\_\_\_ ( ) month(s) until \_\_\_\_\_ has been submitted in parent Application No. 09/458,024 in order to establish co-pendency with the present application.
14. ☐ Also enclosed herewith is the following:  
  
\_\_\_\_\_  
  
\_\_\_\_\_


Docket No. 0020-5147P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #32,887  
Andrew D. Meikle, #32,868

  
ADM/EHC/mua  
0020-5147P

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Attachment(s)

(Rev. 04/30/03)